

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE O.A. 391 of 1990 (S)

Name of the parties _____

Narain Sethi _____ Applicant.

Versus.

Shri Nath & Ors. _____ Respondents.Part A.B.C.

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File B/C needed out/ destroyed

So (S)6

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

(A1)

Date of filing _____
 Date of Rec'd by _____

Deputy Registrar (A)

Registration No. 391 of 1980 (2)Q
31/12APPLICANT(s) Shri Narai SethRESPONDENT(s) Shiv Nath (Post. Officer)

	Particulars to be examined	Endorsement as to result of examination
1.	Is the appeal competent?	yes
2.	a) Is the application in the prescribed form?	yes
	b) Is the application in paper book form?	yes
	c) Have six complete sets of the application been filed?	yes
3.	a) Is the appeal in time?	yes
	b) If not, by how many days it is beyond time?	yes
	c) Has sufficient cause for not making the application in time, been filed?	no
4.	Has the document of authorisation/ Vakalatnama been filed?	yes
5.	Is the application accompanied by B.D./Postal Order for Rs.50/-	yes
6.	Has the certified copy/copies of the order(s) against which the application is made been filed?	yes
7.	a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?	yes
	b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?	yes
	c) Are the documents referred to in (a) above neatly typed in double space?	yes
8.	Has the index of documents been filed and pageing done properly?	yes
9.	Have the chronological details of representation made and the outcome of such representation been indicated in the application?	yes
10.	Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	no

Particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?
Ans. *yes*

12. Are extra copies of the application and Annexures filed ?
Ans. *yes*

13. Identical with the Original ?
Ans. *yes*

14. Defective ?
Ans. *no*

15. Wanting Annexures
Ans. *no*

16. Have the file size envelopes bearing full addresses of the respondents been filed ?
Ans. *yes*

17. Are the given address the registered address ?
Ans. *yes*

18. Do the names of the parties stated in the copies tally with those indicated in the application ?
Ans. *yes*

19. Are the translations certified to be true or supported by an affidavit affirming that they are true ?
Ans. *yes*

20. Are the facts of the case mentioned in item no. 6 of the application ?
Ans. *yes*

21. a) Concise ?
Ans. *yes*

b) Under distinct heads ?
Ans. *yes*

c) Numbered consecutively ?
Ans. *yes*

d) Typed in double space on one side of the paper ?
Ans. *yes*

22. Have the particulars for interim order prayed for indicated with reasons ?
Ans. *no*

23. Whether all the remedies have been exhausted.
Ans. *yes*

*main copy**yes**yes**Union of India is not party in this application**N.A.**yes**yes**N.A.**order No. 4**yes**yes**no**yes**C.O.O.I is not party**② Annexure is on both sides of the paper**3/12/90**D.R.**Put up before the Hon. Bench**on 11/12 for orders**3/12**7/12**3/12*

(P)

-90

Hon. Mr. Justice K. Nath, V.C
 Hon. Mr. K. Obayya AM

Put up tomorrow.

AM

DR
VC

12-12-90

Stndb. Mr. Justice K. Nath, V.C
 Stndb. Mr. K. Obayya AM

Put up tomorrow

Q

DR
AM

DR

VC

13-12-90

Hon. Mr. Justice K. Nath, V.C
 Hon. Mr. K. Obayya AM

Heard the learned counsel for the applicant. An amendment sought is allowed. The applicant may incorporate the amendment within 24 hours.

ADMIT. Issue notice of the amended application to the respondents who may file counter within 3 weeks respectively within one week thereafter. List for final hearing on 10-1-91. ~~Stat~~ ~~int~~ ~~in~~ ~~matter~~ In the matter of interim relief the learned counsel for the applicant states that, as a consequence of the impugned transfer order dated 33-10-90 ~~Stat~~ ~~in~~ ~~matter~~ ~~application~~ Shri Ram Lakhman Singh joined the post held by the applicant immediately ~~Stat~~ ~~in~~ ~~matter~~ and is continuing to hold the post till now.

P.D.

7.3.91. Case not concluded. See K K
Tripathi C. B. is present - hear
case is adj. to 26.3.91.

File

26.3.91. No sitting adj. to 5.4.91

✓ D.O.C. 26
27/3

5.4.91. Case not reached adj. from to
25.4.91

or No CA filed
or No RA filed
or No C.R. filed

26.4.1991 ✓ 24/4

✓ Hon. Mr. D.K. Harawal, J.M.
Hon. Mr. K. Obayya, A.M.

25.4.91
D. B.

Sri S.N. Shukla for the Applicant. Both the parties are
Sri D. Chandra for the Respondents. present today. In this
Heard the learned Counsel of the parties on the merit of the case. Judgment Reserved.

Both the parties are present today. In this case CA / R.A have been exchanged.
Hence, this case is listed before the Hon. Bench for ordering on 26.4.91. Applicant files an application as M.P. No 239/91 (C) for final disposal of the case.

✓ De
J.M. ✓
Am
NU
Date
30/4/1991
Expt of Judgment
6/4/1991
30/4/1991

R. D. D.
J. B. 17/5/91
Dt

✓

AS

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH,
LUCKNOW

O.A. 391/90

Narain Seth

Applicant

versus

Shive Nath & Others

Respondents.

Hon. Mr. D.K. Agrawal, J.M.

Hon. Mr. K. Obayya, A.M.

(Hon. Mr. D.K. Agrawal, J.M.)

This application under section 19 of the Administrative Tribunals Act, 1985 is directed against the order of transfer dated 25.10.90 transferring the applicant from the post of Sub-Post Master Victoriaganj to the post of Postal Assistant at Post Office Rajendra Nagar, Lucknow.

2. The prayer is to quash the order of transfer dated 25.10.90 on the ground that it amounts to reduction in rank. It has also been urged that he has been transferred before completing his term of 4 years.

3. We have heared the learned counsel for the parties and considered the pleadings. The pay scale of Sub-Post Master and Postal Assistant is the same. We are informed that normally senior persons are given charge of small post office and designated as Sub-Post Master. Persons in the same grade are posted as Postal Assistant in bigger post offices. Therefore, it cannot be said that the transfer order amounts to reduction in rank. It may

De Agarwal

be well said that the post of Sub-Post Master is higher in status than the Postal Assistant, but both the posts are of the same scale of pay. It is also true that the post of Sub-Post Master carries with it payment of licence fee at a station where rent free accommodation is not provided for in addition to House Rent Allowance. However, deprivation of the licence fee cannot amount to reduction in rank. In the circumstances we are unable to persuade ourselves to the submissions of the learned counsel for the applicant to the effect that the transfer as Postal Assistant amounts to reduction in rank. If so, the question is as to what relief the applicant is entitled to. We are of the opinion that a mere direction will serve the interest of justice in the instant case to consider the posting of the applicant to the post of Sub-Post Master in due course of time in accordance with his seniority and the rules applicable in this Department.

4. In the result, we allow this claim petition in part. We hereby direct the opposite parties to consider the question of posting of applicant as Sub-Post Master in the light of the observations made above. Parties to bear their own costs.

A.M.

W.R. G. Saad
J.M. 26.4.91

Shakeel/

Lucknow Dated: 26.4.91.

In the Central Administrative Tribunal, Allahabad,
Bench (Circuit Bench Lucknow).

Claim Petition No. 391 /1990. (L)

Narain Seth.

... Applicant/

Vs.s

Shiv Nath and others.

... Opp. Parties.

I N D E X.

Sl.No.	Particulars.	Pages Nos.
1.	Claim Petition.	1 to 10
2.	<u>Annexure No. 1,</u> Photocopy of Transfer order dated 23.10.90.	11.
3.	<u>Annexure No. 2,</u> Letter dt. 13.8.90.	12
4.	<u>Annexure No. 3,</u> Copy of Letter dated 13.8.90, Telegrame No. J-2110	13.
5.	<u>Annexure No. 4,</u> Photocopy of cash receipt dt. 13.8.90.	14
6.	<u>Annexure No. 5,</u> Copy of F.I.R. dt. 13.8.90.	15
7.	<u>Annexure No. 6</u> Copy of Medical report dt. 13.8.90	16
8.	<u>Annexure No. 7,</u> Copy of X-ray report dt. 18.8.90	17
9.	<u>Annexure No. 8,</u> Notice dt. 16.11.1990.	18
10.	Vakalathama.	19

In the Central Administrative Tribunal, Allahabad Bench (Circuit Bench Lucknow).

三三三

Claim Petition No. 391 /1990. (C,

Warain Seth, aged about 46 years,
son of Late Shri Ram Charan Seth,
Resident P-238, Rajaji Puram, Lucknow,
at present posted at Sub Post Office,
Victoria Ganj, as Sub-Post Master.

(1) The union of India, through the ^{4/5} Ministry of
Communications, through the S.G. Post
Telegraph New Delhi
1. Shiv Nath, son of Gurdev (A.S.E.), attach to

1. Shiv Nath, son of Gurdin (A.S.E), attach to

the then A.S.P. Office of P.M.G.U.P., and
officiating Post Master, Rae Bareli) Now
al
Superintendent Post Store Depo, Lucknow.

R/o village and P.O. Munnu Khera, P.S. Maal,
District Lucknow.

2. Shri S.D.Kureel, (the then Deputy Post Master
Chowk Head Post Office) Lucknow and now Deputy
Post Master, at Lucknow G.P.O.

3. Sri Renn Lakshem Singh present
Sub Post Master Victoria Cross Polk

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 3.12.1990
Date of Receipt by Post 3.12.1990

Deputy Registrar (1) 2 (X3)

Syndicate 3/12

- 2 -

~~Amrit Chandra Mukash, son of not known,~~ 3/12

The Senior Superintendent of Post Offices,
Lucknow Division, 226007.

... Respondents.

1. Particulars of the order against which the application is made:-

Transfer order dated 23.10.1990 passed by the opposite party no.3 transferring the applicant from the post of Sub Post Master Victoria Gungah, Lucknow to Rajendra Nagar Post Office as P.A. (Postal Assistant) which has resulted in the reduction of the applicant's Rank and has also resulted a recurring loss of about Rs.200/- per month.

2. Jurisdiction of the Tribunal:-

The applicant declares that the subject matter of this application lies within the jurisdiction of this Hon'ble Tribunal. The redressal of the grievance is completely within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:-

The applicant further declares that the application is within the limitation period prescribed in the Section 31 of the Administrative Tribunal Act, 1985.

4. Facts of the Case:-

filed today
syndicate
3/12

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PM

(1) That on 13.8.1990, when the petitioner was posted as Sub-Postmaster of Victoriaganj, Post Office, an amount of Rs.50,000/- was remained to be deposited after the ordinary and routine transaction of the Post Office. In a routine manner the case were is suppose to reach the Post Office at are about 3.00 P.M. to collect the cash and transport it to the respective Head Post Office where it is to be deposited in the Treasury. On that day the applicant, ~~waited~~ waited for the Van to 6.00 P.M., but in vain. It is worth mentioning here that between 3.00 and 6.00 P.M. the applicant made four telephone call to the office of the opposite party no.3 namely Post Office Chowk and also sent one written reminder, but the opp. party no.3 failed to comply with the request which was as obligatory part of his official duty.

(2) That having waited upto 6.00 P.M. and finding no Van the applicant was left with no alternative but to carry the cash himself to the Chowk Post Office. The applicant took one of the Assistant and one Class IVth employee along with himself and in the face of all personal risks involve in this daring venture he reached the Post Office-Chowk at about 7.00 P.M. It is worth mentioning here that the month of October was a very disturb period and the venture of the

AMAR

applicant was fraught with great danger to his life. However, as a faithful Public Servant he risked his life in the discharge of his duty.

(3)

That the applicant having entered in the Post Office kept the money bag on the Counter and requested the Cashier to deposit the same, while his request was being made to the Cashier Shri Kureel Deputy Post Master arrayed as opp. party no. 2 reached the counter and interfering in the matter asked the Cashier not to accept the cash. Meanwhile, the Cashier called me inside and I entered there with the cash. After this Shri Kureel became irritated and man handling the applicant tried to push him out of the cash office. He asked the applicant to take back the cash to Victoria ganj Post Office, prepared one receipt and then come back with the cash. Meanwhile, because it was getting late, the Assistant of the applicant who was a lady left the Post Office premises for her residence.

(4)

That the applicant requested Shri Kureel that it is neither possible nor safe to go back to the Victoria Ganj Post Office at this late hour and in these disturb days. He requested him to get the cash counted and deposited. The small matter of receipt involving only the payment of convenience charges could be decided later on.

anwtho

A/C

however, the opposite party namely the Dy. Post Master did not agree. ~~and he was not present~~

(5) while That Shri Kureel was dragging the applicant out of cash office Shri Shiv Nath - respondent no.1 came and gave one blow at the ~~neck~~ ^{nose} of the applicant as a result of which the applicant started bleeding, while the applicant was bleeding Shri Shiv Nath opposite party no.1 snatched the cash from the applicant and also the cash in his pocket and hand and threw it at the floor of the cash office. Meanwhile, the applicant took ~~out~~ ^{out} of his shirt and rapped round his nose which was profusely bleeding.

(6) Having regain consciousness the applicant wrote a ^{address to} telegram to the Senior Superintendent O.P.3 and also to Director Postal Services and Chief P.M.G. Lucknow by name. A copy of the telegram is annexed herewith.

(7) That meanwhile Shri Kureel Telephone to the Director Post Offices alleging that the applicant was quarreling in the cash office. The Director ordered him to accept the cash and assured him that rest of the matter would be looked into afterwards. It was after this direction that the cash was accepted at 9.00 P.M. In the mely the Gold Chain of the applicant was

anup Singh

(P)

it

broken. However, he picked up from the ground where it was lying. The cash was counted ultimately and found short of Rs.200/- which the applicant make good from his ~~own~~ own pocket. The petitioner having deposited the cash came out of the office alongwith his class IVth employee, lodged an F.I.R. in the Kotwali Chowk and also got him Medically examined in the Balrampur Hospital. Copies of the F.I.R. and the Medical Report are annexed herewith as Annexures to this petition.

(9)

That here at this stage it is worthwhile mentioning that opp party no.1 namely Shiv Nath was posted at Rae Bareli but for the reasons best known to him he was at the Chowk Post Office without any reason. It is also worth mentioning here that backs of Currency Notes have disappeared from the Chowk Treasury previously involving huge amount during the regime of the present Supdt. Post Offices.

(9)

That the next day the applicant submitted written report of the case to his officers namely o.p.no.3 and also to the C.R.M.G. and D.P.S. Lucknow. As a result of which an enquiry of a very formal nature was started. A complaint Inspector came to the applicant to narrated the entire fact to him and it is expected that he

20/4/1966

(A)

must have given his report. However, the petitioner/applicant has not received any copy of the Enquiry Report instead he got his transfer order dated 25.10.1990 which is impugned here.

(10)

That at this stage, it is also worth-mentioning that it is a tenure post from which no body can be transferred from his place. The applicant has been at this post for about a year only and has been transferred which has resulted in reduction of his rank as well as the monetary loss.

SK P.C. (O) 12/10/90

Grounds For Relief with Legal Provisions:-

- A. The transfer has been made with malafide intentions and is a punishment and it is well establish principle that no person can be punish unless charges of framed against him and he is given a chance to defend himself.
- B. It has resulted in the reduction of his rank as well as financial loss and this could not be done unless opportunity to show cause was given.
- C. The applicant has not been supplied the copy of the Enquiry Report.

ANSWER

which is violation of the principles of natural justice.

D. That infliction of a punishment without giving an opportunity is against the principles of Article 311 (2) of the Constitution of India.

6. Details of Remedies Exhausted:-

The applicant declares that department remedy available exhausted in the shape of representation to:-

- i) The S.S.P. Lucknow,
- ii) The D.P.S., Lucknow.
- iii) The P.M.G. in Chief.

7. Matters not previously file or pending with any other court:-

The applicant also declares that the matter has not been previously agitated ~~was~~ before any court or Tribunal.

10/10/96
8. Reliefs Sought:-

In view of the facts mentioned in para 6 of the application the applicant most respectfully prayed to this hon'ble court to:-

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a. to quash the order of transfer dated 25.10.1990 transferring the applicant from his tenure post.

b. any other relief that the Hon'ble tribunal deems fit in the circumstances of the case including the ~~excess~~ cost of the petition may kindly also be passed.

9. Interim Order Sought:-

It is requested that as a interim measure the transfer order dated 25.10.1990 may kindly be made inoperative during the pendency of this petition before this Hon'ble Court.

10. Not applicable.

11. Particulars of the Bank Draft attached with Application:-

I.P.O.No.bearing No.B 02 415989,

dt. 29.11.1990 issued from High Court Bench Post Office, Lucknow.

12. List of Enclosures:-

1. Transfer Order, dated 23.10.1990.

2. Letter dated 13.8.90

3. Telegram No. J- 2110, dt. 13.8.90.

4. Cash receipts dt. 13.8.1990.

10/10/90

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5. F.I.R., dated 13.8.1990.
6. Medical Report dated 13.8.90.
7. X-ray report dt. 18.8.1990.
8. Notice dated 16.11.1990.

Lucknow; Dated
, 1990

10/10/90
Applicant.

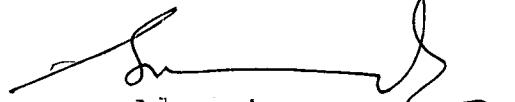
Verification

I, the above named deponent do hereby verify that the contents of paras 1 to are true to my personal knowledge and paras are based on record and paras are based on legal advise. No part of it is false and nothing material has been concealed. S

Lucknow; Dated
, 1990

10/10/90
Applicant.

I, identify the deponent who has signed before me.


Advocate.
29/11

(11)

DEPARTMENT OF POSTS

प्रभाग
RECORDED

OFFICE OF SR.SUPDT.OF POST OFFICES,LUCKNOW DIVISION.

MEMO No. B-320/Leave Dated at Lw,7, the, 23/10/90

The following transfers and postings are hereby directed in the interest of service with immediate effect :-

1. ✓ Shri Narain Seth, SPM Victoria Ganj P.O, Lucknow is hereby transferred and posted as P.A.Rajendra Nagar on administrative ground vice No.2.

2. Shri Ram Lakhan Singh, P.A.Rajendra Nagar P.O. is hereby transferred and posted as SPM Victoriaganj P.O.Lucknow.

Official at sl.no.2 will be relieved immediately and will relieve the official at No.1 without delay.

Usual charge report should be submitted to all concerned.

Chand
23.10.90

Sr. Supdt. of Post Offices,
Lucknow Bn, Lucknow-226007

Copy to :-

1. The officials concerned.
2. PFs of the officials.
3. The Sr.P.M. Chowk HO Lkw-3.
4. The S.P.M.Rajendra Nagar/Victoriaganj P.O. Lucknow.
5. a/c & spare.

Chief P.M.G File No. 1/14/90/14. DT 5.11.90
14 RT SS Reg 13.320/1115E/7-11-90

TC

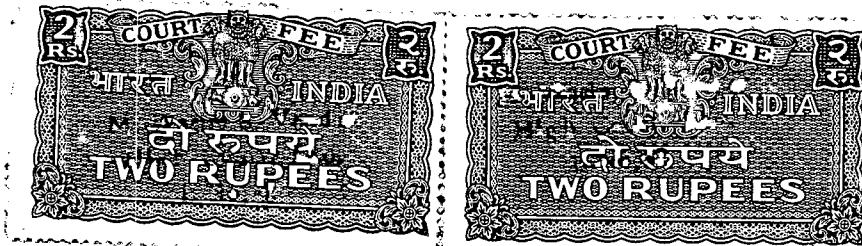
Abhishek

Sanjay

2/12

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ब अदालत श्रीमान्
(वादी अपीलान्ट)
प्रतिवादी [रेस्पाउन्ट] श्री: *CAT Circuit*
Bushuk का विवरण अलंकार सामान्



वादी (अपीलान्ट)

*Narain Seth - Plaintiff
Subroto Mitra Chakrabarti and (प्रतिवादी रेस्पाउन्ट)*

नं० मुकद्दमा सम् पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री
Adv. 21 of 8 Calcutta Street वकील
व *Chaché Keelam Ltd.* महोदय
Rs 225/- एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वादा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें तो कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिगरी जारी करावें और रूपया बसूल करें या सुलहनामा व इक्वाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रूपया दमा करें या हारी विपक्षी (फर्रोकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा को गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

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हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १६ ई०

एवोक्यूट

(P/A)

हर संचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

अन्तर्राष्ट्रीय तार/Inland Telegram

सेवा विदेश (जैसे भवाबी सरकारी, व्यापारी) Service Indication (e.g. Reply Paid, State Greetings)	प्रधार Charges 4/-	(भारतीय तार विभाग और विवरों के बीच पारेशन के लिए प्रधार। तार सेवा भवाब होने से इस तार का पारेशन या वितरण अनुमति नहीं होता। उससे उत्पन्न होने वाली या उसके पुरिकाम, विषय किसी हानि का तो या नुकसान की जाति पूर्ति देने के लिए सरकार विभाग नहीं है।) (Presented for transmission subject to Indian Telegraph Act & Rules. The Government is not liable to make compensation for any loss, injury or damage arising or resulting from any failure of service affecting transmission or delivery of this telegram.)	सेवरे में विवर Sent Particulars CERTIFIED TRUE COPY	तारीख सोहर Date of Service प्राप्ति दिनांक Date of Receipt प्राप्ति संदर्भ Date-Stamp प्राप्ति संदर्भ Date-Stamp
सेवा विदेश (जैसे भवाबी सरकारी, व्यापारी) Service Indication (e.g. Reply Paid, State Greetings)	प्रधार Charges 4/-	प्रधार की विवरों के बारे में विवर Details of service प्रधार की विवरों के बारे में विवर Details of service प्रधार की विवरों के बारे में विवर Details of service	सेवा विवर Service Details प्रधार की विवरों के बारे में विवर Details of service प्रधार की विवरों के बारे में विवर Details of service	तारीख सोहर Date of Service प्राप्ति दिनांक Date of Receipt प्राप्ति संदर्भ Date-Stamp प्राप्ति संदर्भ Date-Stamp

जि 21/10 अ-60 लेखन अंक चौक 13/४ तारीख पर्यंत 53/60

संदर्भ 1. श्री यम. यन फारकी पोस्ट जनरल लेखन 3
2. श्री कमलेश चन्द्र रीजनल डॉक्टर पोस्ट लेखन 3
3. श्री चन्द्र प्रकाश प्रबद्ध डॉक्टर विविधक पोस्ट लेखन 3

घस. डी. कुरील डिप्टी पोस्टमास्टर चौक रवज्जाने में सरकारी कैशलैने से इन्कार कर दिया बुरी तरह शिवनाथ के साथ मुह में मारक होकर तोड़ दिया। तुरन्त प्रमाणी कायिवाही प्रार्थनीय दो सौ रुपये जैक से तथा साने की चैन निकालती है।

बोरापुर सेठ उपडाक पाल
विकटोरिया गंज लेखन

अन्तर्राष्ट्रीय विभाग/International Bureau

तार सेवा विवर
Details of Telegraphic Service

4/11/1949

A. L. Purohit, L.D.

TC all set
all set
all set

(6)

A/7

Surajit Maurya Seth aged about 40 yrs was the Rep. charac.
with R. P. Park Maurya Victoria of the Bagan Bankers, B.P. self
13.8.90 at 11.50 P.M.

M: Black with a few grey hairs, following Malaria.

Obs. ① Convalescent with the mouth and nose dry and hoarse, cold and
fever is both without a trace.

② Abdomen distended due to gas in the gut.

③ Abdomen 2.2 x 0.8. The bowels are not functioning well.

④ Heart rate 80. The heart beat is regular and strong.

⑤ Pulse slow, weak, left hand no pulse up to

All the signs are those of a patient of Malaria.

⑥ Hand and legs.



(5)

Dr. M. O. Siddiqi

M.D.
Emergency Medical Officer
Balrampur Hospital, Lucknow

M. O. Siddiqi

13.8.90

Dr. M. O. Siddiqi

M.D.

Emergency Medical Officer
Balrampur Hospital, Lucknow

J. T. Abbott

STK

21/8/90

DEPARTMENT OF RADIOLOGY
BALRAMPUR HOSPITAL,

X-ray No.
Date.

892-
92/8-8-90

17

BALRAMPUR HOSPITAL

Rehni

Received Re. 20/- for X-ray Name of patient on R.D.P. No. (P.S. No. by me)

31/8/ - Left

11/8/ - Black smite on Lingual side of face just away from tip of nose.

X-Ray No. - 11/8/

18/8/ 8

18/8/ 8
Radiologist
Balrampur Hospital

18/8/ 8
Technician and X-ray Mag.
Balrampur Hospital

Third collector

16-11-90

C. A. TO CHIEF
P. M. S. U. P.

३८८

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18

१५८५ अप्रैल १९८५ बाबू रामचंद्र

Fig. 16. 11. 1990.

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✓ 100% 100%

G/Rdg
629
1/2

Government of India,
Ministry of Communication
Department of Posts
Sanchar Bhavan, New Delhi

No. 22-6 / 84 - CI

Dated 19.11.85

All Heads of Postal Circles

Subject:- Raising of limits for remittances of cash by various modes of conveyance.

Rule 583-A of P&T Manual Vol. VI Part-III prescribes the limits for remittances of cash by different modes of transport such as Railways, Motor Vehicle Tangas, Boats etc., due to erosion in the value of money over the years. The maximum limit for carrying cash without police escorts was enhanced from Rs.10,000/- to Rs.15,000/- vide this office letter No. 22-6/ 84- CI dated 24.1.85 the question of raising the line limits for remittance of cash through various modes was under examination by this Directorate. It has now been decided to raise the various line limits for remittances of cash various modes of conveyance. And substitute them in the table below Rule 583-A of Mx P&T Manual Volume -VI Part-III as under:-

Sl. No.	Mode of conveyance/ Category / Carrier	On Railway/ Steamer/ Mail Motor Mail and cycle line Jatka Line	On foot including 4.
1.	2.	3.	
1.	In cash bag enclosed in mail account or B.O. Bag	Rs. 15,000	Rs. 10,000
2.	Loose Incharge of an Overseer	Rs. 40,000	Rs. 25,000
(i)	Head Postman, who had furnished security for Rs. 750/- accompanied by any official mentioned in this item and who has furnished the required security.		
(ii)	Loose Incharge of any Overseer, / Head Postman Who has furnished security for Rs. 750/- travelling along		Rs. 12500
(iii)	Loose Incharge of a Postman who has furnished security for Rs. 750/- travelling alone	Rs. 16,500	Rs. 8,500

Continued... 2/-

125

-3-

NOTE-7 A Police escort should normally be provided where the remittance is exceeded Rs.50,000/-

Note-8 In case a remittance conveyed by Inspector exceeding Rs.20,000/- they should be accompanied by their orderlies or any other Departmental official except when travelling by trains or bus when separate classes of accommodation are provided, Amendment to the rule is being issued separately

This issues with the approval of Finance Advisor (Postal) vide their Dy.No. 3406/FA.P/ 85 dt.4.9.1985

Yours faithfully,

Sd/- (Subhash C. Jarodia)
Assistant Director General(Tech)

No.Tech. A/ R-1/ Vol. VI/V dt. at Lucknow, the 12.12.1985
Copy for information, guidance and necessary action to :-

1. All the Director Postal Services in U.P.Circle
2. All S.S.P.Us /All S.P.Us in U.P.Circle
3. Chief Postmaster Lucknow/ Kanpur etc- etc.

Sd/ R. Sahai,
for Postmaster-General, U.P.

No.IR.II/A/Balance /85- Dt. at Lucknow-226003 the 4.1.1986

Copy for information, guidance and necessary action to:-

REGISTERED 1. A.S.P.Us (South)/ (North)/(West) Sub Division, Lw

REGISTERED 2. S.B.D.U. o/o S.S.P.Us Lucknow

REGISTERED 3. The S.D.I.(East) Sub Division, Lucknow.

4REGD 4. All Overseers in Lucknow Division

5. Postmaster Lucknow GPU/ P.M. Lucknow Chowk Hq.

REGD 6. All S.P.Ms in Lucknow Division

Subhash Jarodia
Senior Superintendent Post Office
Lucknow Division
Lucknow-226003

BEFORE THE CENTRAL ADMINISTRATIVE TRICOUNAL AT ALLAHABAD
CIRCUIT BENCH LUCKNOW

D.A. NO 391 OF 1990

Narain Seth.....Applicant

Versus

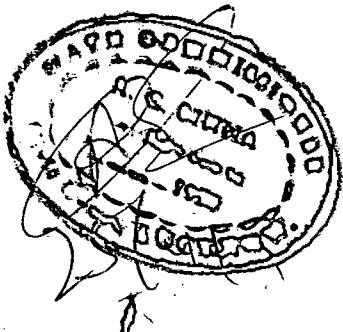
Shri Nath and Others.....Respondents

A f f i d a v i t

I, P.N.Singh, aged about 55 years, son of Shri Musafir Singh, Senior Postmaster, Lucknow Chauk Head Post Office, Lucknow do hereby solemnly affirm and state on oath that the letter dated 13.8.90 bearing the Victoriaganj Post Office date stamp of 13.8.90 addressed to me for arranging cash lorry was not received by me or in my office at all. Neither did I receive any verbal request from Shri Narain Seth or through any other person on 13 August '90 for sending cash lorry to Victoriaganj Post Office.

Deponent

I, P.N.Singh, verify that the contents of the above para are true to my personal knowledge and belief and are also based on office records which I believe to be true. So help me God.



I identify the defendant who has spoken before me.

J. Gandy
Admiral

CE NTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH

LUCKNOW

C.M. Application No. of 1991

Inre
O.A. No. 391 of 1990

Narain Seth

Applicant.

versus

Shri Nath & others

Respondents.

APPLICATION FOR CONDONATION
OF DELAY IN FILING COUNTER

The Counsel for the respondent begs
to submit as under:

That the delay in filing the counter
affidavit is due to administrative procedure and
not intentional.

Therefore, it is most respectfully prayed
that the delay in filing the counter reply may
kindly be condoned and the counter affidavit may
be taken on record.

D.G.2

Lucknow

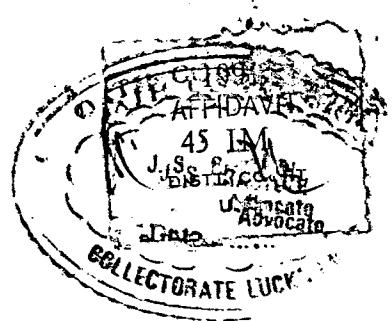
(Dr. Dinesh Chandra)

Dated: 5.2.91

Counsel for Respondent No. 3

132
109

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH
LUCKNOW



Counter Affidavit on behalf of
Respondent No. 3.

In
O.A. No. 391 of 1990.

Narain Seth

Applicant.

versus

~~Narain~~ Shri Nath & others

Respondents.



I, Chandra Prakash, aged about 35 years,
son of Shri N.P. Verma, Senior
Superintendent of Post Offices, Chowk, Lucknow do
hereby solemnly affirm and state as under:

Sworn

1. That the deponent has read the application filed by Shri Narain Seth and has understood the contents thereof.
2. That the deponent is well conversant with the facts of the case deposed hereinafter.

3. That the contents of para 1 of the application are admitted to the extent that the applicant was transferred by the department from Victoriaganj sub post office to Rajendra Nagar Post office as Postal Assistant. Rest of the contents are denied. There has been no reduction of rank of the applicant in his new assignment as the pay scale of both the posts are the same i.e. Rs 1400-40-1800-EB-50-2300. While posted as Sub Post Master ~~Visva~~ Victoriaganj, the applicant was entitled to receive Rs 85/- per month as Licence Fee in lieu of rent free accommodation.

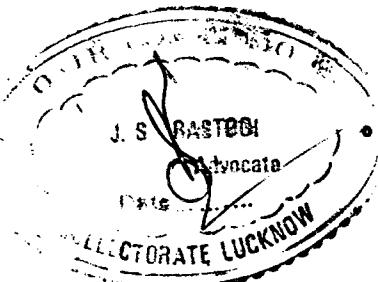
4. That in reply to the contents of para 2 of the application it is stated that the applicant has not exhausted the departmental remedies available to him for the redressal of his grievance before coming to this Hon. Tribunal for relief. The proper course for him was to appeal against the order of his transfer to higher authorities, viz. Director Postal Services, Lucknow Chief Post Master General, U.P. Circle, Lucknow and Director General Deptt. of Posts, New Delhi. The application, therefore, deserves to be dismissed outright.

5. That the contents of para 3 need no comments.

F23.1

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6(i) That in reply to para 4 of the application it is stated that the applicant was posted as Sub Post Master, Victoria ganj sub post office w.e.f. May, 1989. On 13.8.1989 he did not remit the excess cash amounting to Rs 50,000/- to the Head Office, Chowk, Lucknow through ~~the~~ ^{the} overseer. Instead he personally carried and brought the said amount to the Head Office at 7.30 p.m. on 13.8.90. Neither did he utilise the cash van of the Department for this purpose. There is nothing on record to indicate that the applicant made any request, written or verbal to Chowk Head office for sending Cash van for transporting the said excess amount from Victoria-ganj sub post office to the Head office, Chowk. It was indiscreet on his part to carry so much of Govt. money at 7.30 pm. especially when, as per his own averment, it was a very disturbed period and the [“]well-being of the applicant was brought with great danger to his life.”



heated

6(ii) That the applicant has concocted a story of all that happened in the Head office during the course of depositing the cash. The fact of the matter is that the applicant wanted the signature of the cashier on three challans, two challans for Rs 20,000 each and one for Rs 10,000/- although the cash was brought by only one person.

namely the applicant and in one transaction only. This was refused by the cashier and the objection of the cashier was sustained by the treasurer and the Dy. Post Master, Shri S.D. Kureel. An altercation ensued and the applicant misbehaved and abused the cashier and Shri Kureel. The matter was reported to the ~~Senior Superintendent~~ ^{Inspection, Post Office} ~~on his directions~~ of Post Offices, Lucknow on phone. However, the cash was deposited. The matter was then reported in writing to the department by the Senior Post Master Chowk, Headquarter.

The applicant had also sent a telegram to the Department which was received in his office on 16.8.90. It contained a complaint against Shri S.D. Kureel, the Dy. Post Master and Shri Shivnath. Both the complaints, one from the Senior Post Master ~~and Shri~~ ~~Shivnath~~ General Chowk and the other from the applicant were enquired into. The applicant was found at fault and his complaint against the Dy. Post Master, (Shri Kureel) was found to be false. A copy of the Enquiry report was not given to the applicant as no penal action under the provisions of CCS(CCA) Rules, 1965 was contemplated.

6(iii) that the applicant filed F.I.R. also with the police about the incident and also obtained medical report from the medical authorities with malafide intention. The incident of chain snatching

is also concocted. Shortage of Rs 200/- which was detected at the time of depositing the cash was made good by the applicant then and there. The applicant ~~had~~ to deposit the short cash intentionally.

6.(iv) That according to Rule 60 of the Posts and Telegraphs Manual Vol. IV, the post of a non-gazetted sub-post master (time scale) should not ordinarily be occupied by the same official continuously at a time for more than four years. Four years is the maximum period of posting to a post master but in public interest the incumbent can be transferred even before the maximum period of four years. As the transfer of the applicant ~~is~~ ^{is} from Victoriaganj to Rajendranagar which is hardly at a distance of 2 Kms.

7. Comments on sub paras of para 5 of the application are furnished below in seriatem:

Answer

5-A. Contents denied. Transfer of the applicant from Victoriaganj to Rajendranagar Post office has been made in public interest without any malafide intention. It is not penal in nature. The grade and the scale of pay of the sub post master and that of a postal assistant are the same.

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Aay

5-B Contents are misconceived. There is no difference between the rank of a sub-post master and that of a postal assistant as the pay scale of both the posts are the same. As there was no reduction in rank by transferring the applicant from the post of Sub post master to that of a postal assistant, it cannot be construed as a punishment and hence no show cause was required. It was an administrative arrangement in public interest.

5.C Contents denied. The impugned order was not penal in nature and no action under the provisions of CCS(CCA) Rules, 1965 was taken on the basis of the enquiry report. Accordingly, a copy of this enquiry report was not required to be furnished to the applicant.

5.D No comments. The transfer of the applicant from the post of sub post master, Victoriaganj to Rajendra Nagar post office as postal assistant is not penal in nature and does not require any show cause notice.

5.E That the contents of para 6 are denied. The applicant has not made any representation against his transfer to the higher authorities of the department. He has not availed of the

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departmental remedies available to him for the redressal of his grievance.

9. That the contents of para 7 of the application need no comments.

10. That in view of the submissions made in the above paragraphs the reliefs sought for in the para 8 of the application are not admissible.

11. That in reply to para 9 of the application it is stated that vide order dated 13.12.1990 this Hon. Tribunal rejected the prayer for interim relief.

12. That the contents of para 10 to 12 need no comments.

Deponent
Deponent. 4.2.91

Verification

I, the deponent named above do hereby verify that the contents of paras 1 to 2 are true to my personal knowledge and those of paras 3 to 12 are believed to be true by me on the basis of record and legal advice. No part of it is false and nothing has been concealed. So help me God.

Deponent
Deponent. 4.2.91

10
D39

I identify the deponent who has signed
before me.

J. G. S.
A. D. V. O. C. A. T. E.

Solemnly affirmed before me by the
deponent Shri Chandra Prakash on
at am/pm, who is identified by Shri
Advocate.

I have satisfied myself by examining
the deponent that he understands the contents of
this affidavit which have been explained to him
by me.



CEC 55 AM
17.55 in the year
who is identified by Shri
Chandra Prakash
I have satisfied myself by examining the
deponent that he understands the contents
of this affidavit which have been explained to him
by me.
Fee: Rs. 1-50
J. S. RASTOOR
Advocate, Pathankot

10/2/91

ब अदावत श्रीमान

(पांडी अपीलान्ट)

प्रतिवादी [रेस्पाइंट]

महोदय

पुस्तकालय

Central Admin. Tribunal
Chair-Person, Lucknow

द्यक्तालतनामा

टिकट

बादी (अपीलान्ट)

Mr. Sekh

बनाम ही प्रिया (प्रतिवादी रेस्पाइंट)

नं० मुकद्दमा ३१। सन् १९९० (२) पेशी को ता०

१६ इ०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्रीमि. जमीदार (Chandru)

वाली कील Standing Counsel

बकील

महोदय

पुडबोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिजरी जारी करावें और रूपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रूपया दमा उरें या हारी विष्णी (करीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कायंवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अपर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाक फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

प्रबंध डाक अधीक्षक
हस्ताक्षर Mr. Supd' of Post Offices
Lucknow Division 22607

21.9.91

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

सहीना

सन् १६ इ०

स्वीकृत

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
LUCKNOW.

AU

AS

Try. Form No. 385

(P)

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of 1991.

RECEIPT FOR PAYMENT TO GOVERNMENT

(Form No. 1, Chapter III, Paragraph 26, Financial
Handbook, Volume V, Part I)

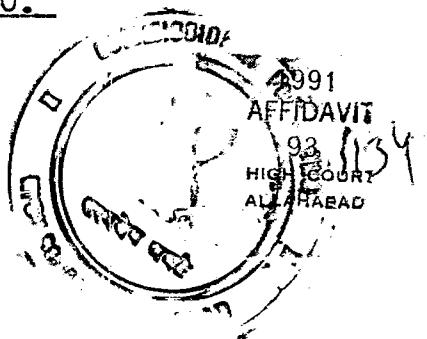
High Court of Judicature at
Allahabad (Lucknow Baral) Receipt No.

099438

Place _____ Date _____

Department and office _____

20.



Received from _____
the sum of Rupees _____

Narain Seth

on account of _____

Applicant.

Cashier or Accountant.

Designation _____

Shri Nath and others. ...

Respondents.

Rejoinder Affidavit to the Counter-Affidavit filed
by opposite party no. 3.



I, Narain Seth, aged about 46 years, son of Late Shri Ram Charan Seth, Resident of D-288, Rajaji Puram, Lucknow, the deponent at present posted at Sub Post Office, Victoriaganj, as sub-post master, do hereby solemnly affirm and state on oath as under:-

1. That the deponent himself is the petitioner and is fully conversant with the facts and circumstances of the case. It is also stated that the deponent has read the counter-affidavit under reply and understood it fully.

2. That the contents of paras 1 and 2 of the

Filed today
24/1/91

AC/MTB

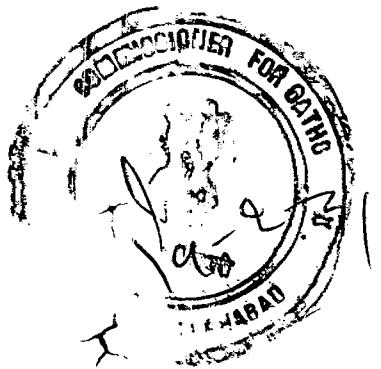
AI21
2/3/9

- 2 -

affidavit under reply need no comment.

3. That the contents of para 3 ~~is~~ are admitted to the extent of the admission of the fact of transfer. The rest are denied. The deponent of the counter-affidavit under reply himself admits that the petitioner will get Rs. 85/- which he was getting in lieu of the fact that he was holding the post of the Post-Master and admittedly therefore, 85/- per month recouping loss would be because to the petitioner. It is further submitted that from the post of Post-Master, the petitioner has been sent to the post of a clerk. And therefore, it is, a reduction in rank because, reduction in rank does not mean only the financial aspect, it is also enclosed the power, prestige and glamour of the post. As Post Master, he has several clerks under him whereas as a clerk he will be under the Post Master. With these averments the contents of para 1 of the applicant are restressed with greater emphasis.

4. That the contents of para 4 of the affidavit under reply are absolutely false and incorrect. The petitioner has appeal to the higher authorities which will be clear from the annexures of the representation which have been sent to the officer concerned. Photostat copies of the telegram and representation to the Senior Superintendent and Director Post Offices and the Chief Post Master are annexed herewith as Annexure no.1 to this reply. However, in this very



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connection, assuming without admitting, that the alternative remedy was not exhausted, it is, most respectfully submitted that the existence of all alternative remedy does not put an absolute bar on the courts to admit petitions if it is essential in the interest of efficacious and speedy justice.

5. That the contents of para 5 ~~are~~ need no comments.
6. That the contents of para 6-A are absolutely false, incorrect and a deliberate attempt to deceive the court, it is really surprising that the opposite party has stated that the petitioner did not sent the cash through his oversier. It is stated with great emphasis that there is no oversier in the Post Office under the applicant. The Oversier is posted with the S.S.P. and he is expected to reach with the cash Van by 3.00 P.M. to the Post Offices under him.
7. That it is again strange that the deponent has charged the petitioner with not using the cash Van whereas the ~~correct~~ fact remains that Cash Van was not sent. As for the statement that no request was made for the Cash Van, it is a blatant white lie. A written request was made and the receipt of the request for the cash Van has been annexed with the petition. However, the same is being annexed herewith this affidavit also as Annexure No.2.

NOV 4/1966

8. Regarding the charge that the petitioner should not have carried Rs.50,000/- in the distrub circumstances at the risk of life, it is a piculiar logic. The deponent of the affidavit has admitted that the petitioner carried the cash at the risk of his life. Admittedly therefore, the petitioner risk his life for the safety of the Government cash. This admission has raised a very important point before this Hon'ble court whether the humble petitioner should be rewarded for his loyalty to the duty and extra ordinary carriage or he should be punished for the same.

8. That regarding the contents of para 6 (ii) the petitioner submits very respectfully that it is only trying to twist thefacts. It is respectfully submitted that how and under what circumstances alteration occurred is not very important. It is also not very important whether the petitioner wanted signature on two challans and one challans, the important fact was that cash of 50,000/- was to be deposited and was ~~being~~ refused. The allegations that the petitioner abused thecashier is whollywrong and malicious. With these submissions the contents are denied being absolutely false from thefact.

9. That the claim of the deponent that the telegram was recieved on 16.8.90 is not important

because the petitioner could only send it in time. The enquiry report etc. have not been submitted is a fact, the reasons for the same are not very important.

10. That the contents of para 6(iii) are admission of the contents of the relevant para of the petition. The deponent of the counter-affidavit admits that Rs. 200/- were short and was deposited by the petitioner. It is most humbly submitted that under what circumstances this shortage occurred is not very important.

11. That the contents of para 6(iv) and 7 are admission that ordinarily of the post of a Post Master should be held for a period of four years. The petitioner, in his petition has not claimed and could not claim that he could not be transferred within a period of four years. Transfers on administration exigencies can at any time be made ~~what~~ but is is most respectfully submitted that it is a punishment and with a malicious intent, the Hon'ble court has power to curve it with iron hand. In this case, it is respectfully submitted that the transfer has not been made on administrative exigencies. A punishment has been awarded to the petitioner for his loyalty and adherence to duty and therefore, it is one of the fittest case, in which the Hon'ble court is required to interfere.

6 P.M. 16

12. That the contents of para 5(b) stands already

replied in earlier paras.

13. That the contents of para 5(c) and (d) have also been replied earlier a much detail.

14. That the contents of para 8 also stands replied with documentary proves.

15. That the contents of para 9 need no comment

16. That the contents of para 10, 11 and 12 are not admitted, the petition is full of merit and deserves to be allowed.

ADDITIONAL PLEAS.

17. That it is most respectfully submitted that even a 'Bird's eye' perusal of the counter, it will become manifestly clear that the opposite party have admitted the fact of the case. They have only tried to give it twist to the accident but have miserably failed.

Lucknow; Dated

19-2-1991.



21 Dec
Deponent.
A. C. Deen Seth
Deponent.

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 17 are true to my personal knowledge and paras

— are based on record and paras 2 — are based on legal

Sub-Page Masters

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Received 1918

— 1 —

~~Remember for~~

Point Henry
Artillery Barracks
for 1000 men

On 5th Sept 1920



George C. H. Smith

PAK
4/18

(पाक)

हिन्दू संचार विभाग
DEPARTMENT OF TELECOMMUNICATIONS

देशदेशीय तार/Inland Telegram

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	प्राप्तार Initiate रु. 40/-	(Presented for transmission subject to Indian Telegraph Act & Rules. The Government is not liable to make compensation for any injury or damage arising or resulting from any failure of service affecting transmission or delivery of this telegram).		

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Time समय
No. नं.
Office of Origin बूम तारघर
Date तारीख
Date
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G. I. देशी यापारी
Words शब्द
49/53

प्रूति 0/10

श्री एस्ट्रो प्रकाश प्रवर डा० असामी द्वाका ८२८७३

श्री कामलेश चौहान रेजिस्टर इंस्ट्रेक्टर पाट्टर ल०

श्री रम० डा० फारुक अफपीर-जैनरल लखनऊ

सदाचार तार जे २१०/१३/८/९० पर डाक असामी द्वाका
८२८७३ वा असामी डाक पुस्तक/दृष्टि से ३०८१
को अविवाही कारक, जुरकानुजा २०५२१, पाल्पा का
दूसरी पार दूसरी दूसरी डाक पुस्तक कालिया है।

प्रूति यापारी के प्रकाशन/Signature

प्रूति यापारी के प्रकाशन/Signature
Not to be Telegraphed.

नाम/Name
पता/Address

S. K. Printed by

जनकाल सेट, उप-डाक घर

१८/८/९०
१८/८/९०

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तेजा भू

ਪੁਰਾ ਡਾਕ ਅਧੀਕਨ, ਮਹੋਦਯੁ
ਲਖਸਤੁ ਪ੍ਰਕਾਡ, ਲਖਨਤੁ ।

चिकित्सा विकटोरियार्जिं डॉक्टर ने स्थानान्तरण के लिए यात्रीले :-

श्रीमन्

प्राथी फ्रीपोस्टिंग उद्द डॉक्याल विकटोरिया ग्रंड के स्थ में गत घट मई, 1989 में हुई थी जो कि घार घटीय टेन्योर पोस्ट है। कर्मान पुष्ट उक्त अधीक्ष द्वारा प्रशासनिक आधार द्वारा एक द्यवस्था बहुमन्त्र के तहत उक्त ग्राम्य निरस्त लर्के प्राथी को राज्यन्दु नगर डाक्याल में डाक त्वाया के स्थ में स्थानान्तरित कर दिया गया जो कि सर्वांगीन नियम, विधान के विस्तृत है।

घटना के प्रृति निषेद्ध है कि प्रार्थी को दिनांक 13-8-90 को कैग्लारी न अने पर मजबूरन अपने स्तापन के साथ प्रधान छाक्खर वौक्ह में प्रवास हजार ल्पया कैश लेकर छाने जाना पहा था । यसकी करील ° डिट्री पोस्ट मास्टर ने तभी छावियों को कैश लेने से मना कर दिया । कैश कटवाने जान से मारने के लिए प्रार्थी का हाथ पक्का कर लगाने से बाहर छानी ले लगे । इन्होंने मैं उसके साथी शिखनाथ छाने के अंदर आकर प्रार्थी ही नाक पर जबरदस्त पूले मरे । गम्भीर बोट से, रक्तब्लाघ होने पर शिखनाथ ने सारे कैश छीन लिये और बाट में जमीन पर पेंड दिये जो गिनने में दो तीस स्पष्ट लम परिये गये जिने प्रार्थी ही जेब से भरना पहा । विसी तरह कैश समेट, लभालकर, प्रार्थी ने उच्चारिकारियों तार दारा स्थिति सुनित कर दिया । तथा निदेशक महोदय के अदेश पर 9000 रुपे रात को छैश-रिसीज किया गया । घटना की रपरआईआर० वौक्ह छोतदाली में दर्ख करने के बाट बलरामर चिकित्सालय में बोटो का गुआयना, जमी छारदी । । इनके अपराधिक लोगों को दबने के लिए उर्गेश आधार पर इस खारनाक मामले को नए मोड लेकर प्रार्थी का निकटोरिया जैसे डाक्कर से स्थानान्तरण कर दिया है ।

प्राचीन

कृपया पुस्तक हात में अधीक्षक लाइन वाले हस्ताक्षर को निरस्ता छोड़ने की कृपा करते हुये प्रार्थी की तेजा विवरणोंरियांग वाले हात वाले के लिए बहाल करें।

त्रिलोकनाथ :- 3

फिल्म :- २३-१०-९०/७-११-९०

प्राप्ति-

। नारायण सं।
उष डाक्टरडत् तिकटोरियामि,
डाक्टर् लद्दमूँ।

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तेवा मैं

श्रीमान् निदेश, डाक तेवाएं
लखनऊ।

कायातिय वीप, महाप्रधा, डाक लखनऊ-226001

विषय-

चिकिटोरियागंज उप डाकघर से स्थानान्तरण के विस्त्र अधील :-

श्रीमन्,

प्रार्थी छोपोस्टिंग उप डाकघर चिकिटोरिया गंज के स्थान में गत वर्ष
मई, 1989 में हुई थी जो कि चार वर्षीय टेन्योर पोस्ट है। वर्तमान प्रधर उपक
अधीक्षक द्वारा प्रशासनिक आधार प्रैक्टर एक उपरित्यक्त एडम्स के तहत डक्टर अदेश
निरत करके प्रार्थी को राजिन्द्र नगर डाकघर में डाक तहायक के स्थान में स्थानान्तरित
कर दिया गया जो कि सर्वथा नियम विधान के विस्त्र है।

घटना के प्रति निवेदन है कि प्रार्थी को दिनांक 13-8-90 को कैशलारी
न गाने पर मजबूरन अपने स्टाप के साथ प्रधान डाकघर घौंक में प्रवास हजार स्थाया
कैश लेकर छाने जाना पड़ा था। यसडी ० करील ० डिप्टी पोस्ट मास्टर ने सभी
छानियों को कैश लेने से मना कर दिया। कैश कटवाने जाने से मारने के लिए
प्रार्थी का हाथ पकड़कर छाने से बाहर घर्साठ्ये लगे। इसमें मैं उसके साथी शिवनाथ
छाने के अंदर आकर प्रार्थी की नाक पर जबरदस्त धूप मारे। गम्भीर घोट ते,
रक्तमाछ होने पर शिवनाथ ने सारे कैश छीन लिये और बाट में जमीन पर बैठ
दिये जो गिनने में दो सौ स्थाये कम पाये गये जिसे प्रार्थी को जेब से भरना पड़ा।
प्रिसी तरह कैश समेट, सभालकर, प्रार्थी ने उच्चाधिकारियों तार दारा स्थिति
सूचित कर दिया। तथा निदेशक महोदय के आदेश पर ९००० बैंग रात को कैश
प्रिसीत किया गया। घटना की समाप्तियाँ दो छोतवाली में ढंग करने
के बाद बलरामपुर चिकित्सालय में घोटो का मुआयना, जम्मू कराई।। इनके
अपराधिक कृत्यों को दर्जने के लिए लग्न आधार पर इस कारनामा मामले को
नष्ट मोह टेकर प्रार्थी का चिकिटोरिया गंज डाकघर से स्थानान्तरण कर दिया है।

प्रार्थी

कृपया प्रधर डाक अधीक्षक लखनऊ के इस आदेश को निरत करने की कृपा
करते हुए प्रार्थी की तेवा चिकिटोरिया गंज डाकघर के लिए बहाल करें।

प्रार्थी,

१० जून १९९०

। नारायण तेवा
उप डाकघर, चिकिटोरिया गंज,
डाकघर, लखनऊ।

संलग्नक :- ३

दिनांक :- २५-१०-९०/०७-११-९०



(62) ५९

सेवा में

श्रीमान् दीप डॉक महाराष्ट्र महोदय,
लखनऊ, २२६००१

विषय- विकटोरियांगं उप डाकघर से स्थानान्तरण के विष्ट अधील :-

श्रीमन्

प्राथी कीपोस्टिंग उप डाकघर विकटोरिया गंगे के स्थ में गत वर्ष मई, १९८९ में हुई थी जो कि वार वर्षीय टेन्योर पोस्ट है। कर्मान प्रवर डॉक अधीक्ष द्वारा प्रशासनिक आधार देकर एक ट्यूटिस्ट छायन्व के तहत उक्त आदेश निरस्त करके प्राथी को राजेन्द्र नगर डाकघर में डॉक सहायक के स्थ में स्थानान्तरित कर दिया गया जो कि सर्वथा नियम विधान के विष्ट है।

घटना के प्रति निवेदन है कि प्राथी को दिनांक १३-८-९० को केशलारी न जाने पर मजबूरन अपने स्टाप के साथ प्रथान डाकघर घौक में पदास हजार रुपया केश लेकर खाने जाना पड़ा था। यसठी० करील "डिप्टी पोस्ट मास्टर ने सभी खाचियों को कैश लेने से मना कर दिया। केश कटवाने जान से मारने के लिए प्राथी का हाथ पकड़कर खाने से बाहर घसीटने लगे। इतने में उसके ताथी शिवनाथ खाने के अंदर आकर प्राथी की नाक पर जबरदस्त धूस मारे। गम्भीर चोट से, रक्तमात्र होने पर शिवनाथ ने सारे केश छीन लिये और बाट में जमीन पर पेंड दिये जो गिनने में दो सौ रुपये कम पाये गये जिसे प्राथी को जेब से भरना पड़ा। किसी तरह केश समेट, सभालकर, प्राथी ने उच्चाधिकारियों तार द्वारा तिथित सूचित कर दिया। तथा निदेशक महोदय के आदेश पर ९.०० बजे रात को कैश रिसीव किया गया। घटना की एप्रिल ०१० आर० घौक कोतवाली में दर्ज कराने के बाट बलरामपुर चिकित्सालय में घोटो का मुआयना, जारी करादी।। इनके अपराधिक कृत्यों को ढकने के लिए वर्गज्ञ आधार पर इस खारनाक मामले को नया मोड़ देकर प्राथी का विकटोरिया गंग डाकघर से स्थानान्तरण कर दिया है।

प्राथी

कृपया प्रवर डॉक अधीक्षक लखनऊ के इस आदेश को निरस्त करने की कृपा करते हुये प्राथी की सेवा विकटोरियांगं डाकघर के लिए बहाल करें।

प्राथी,

२५ अगस्त १९९०

नारायण लेट।
उप डाकघरल, विकटोरियांगं,
डाकघर, लखनऊ।

संलग्नक :- ३

दिनांक :- २५-१०-९०/०७-११-९०



(A53) 8/60

Before the Hon'ble Central Administrative Services
Tribunal Circuit Bench, Lucknow.

M. P. No. 239791 (4),
Claim Petition No. 391 of 1990.

Narain Seth. ... Claimant.

Vs.

The Union of India and others. ... Opp. Parties.

F.F. 25.4.1991

The humble applicant most respectfully
begs to submit as under:-

1. That the aforesaid petition concerns the case of the illegal transfer of the applicant which is under challenge. The Hon'ble Tribunal will not pass any interim order hoping that the petition would be finally disposed off within a short time.

2. That affidavits by the parties have been exchanged and the case is ripe for final disposal.

3. That the counsel of the applicant Sri S.N. Shukla, Advocate met Hon'ble Mr. Justice D.K. Agarwal

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Filed today
R
25/4/91

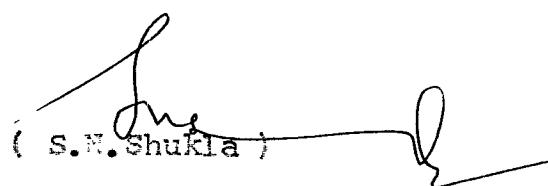
in his lordship chamber yesterday i.e. on 24.4.1991 and requested his lordship to keep the case either for Friday the 26th or in the earliest week when the bench sits.

4. That his lordship Hon'ble Mr.Justice D.K. Agarwal was pleased to observe that if possible, it will be kept for Friday, 26th failing which, it will be listed in the week begining 6th of May, 1991.

It is, therefore, requested that the case may be listed for final disposal according to the observation of his lordship Hon'ble Mr.Justice D.K. Agarwal.

Lucknow; Dated

25/4/1991.


(S.N. Shukla)

Advocate,
Counsel for the Applicant.